

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

-v-

RULESS PIERRE,

Defendant,

-and-

R. PIERRE CONSULTING GROUP LLC,

Relief Defendant.
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19 Civ. 10299 (JPC)

ORDER

JOHN P. CRONAN, United States District Judge:

On September 14, 2022, Plaintiff filed a motion for summary judgment and supporting papers. Dkts. 47-50. Defendant has not filed any opposition to the motion. At the time the motion was filed, Defendant’s appeal of his parallel criminal conviction was nascent. *See United States v. Pierre*, No. 19 Cr. 783 (SHS) (S.D.N.Y.) (District Court docket for parallel criminal case); *United States v. Pierre*, No. 22-1274 (2d Cir.) (docket for appeal of parallel criminal case); *see also* Dkt. 48 at 12 (Plaintiff’s brief for summary judgment motion here, noting that “[a] review of the appellate docket shows that no substantive appellate documents have been filed to date”).

That is no longer the case. Defendant’s appeal is now fully briefed and is calendared for argument the week of October 23, 2023. *United States v. Pierre*, No. 22-1274, Dkt. 25 (2d Cir.) (Appellant opening brief); *id.* at Dkt. 40 (Appellee opposition brief); *id.* at Dkt. 45 (Appellant reply brief); *id.* at Dkt. 48 (case calendaring). Given these developments, the Court will conduct a status conference by telephone on August 30, 2023 at 11:00 a.m. At the scheduled time, the parties should

call (866) 434-5269, access code 9176261, and should be prepared to discuss whether the Court should enter a brief stay until the resolution of Defendant's pending appeal in the Second Circuit.

Additionally, the docket in this case does not reflect that Plaintiff has served Defendant with notice pursuant to S.D.N.Y. Local Civil Rule 56.2 in connection with its motion for summary judgment. *See* S.D.N.Y. Loc. Civ. R. 56.2 (Notice to Pro Se Litigant Who Opposes a Summary Judgment). In the event that Rule 56.2 notice has not been served, Plaintiff shall serve such notice along with this Order, and also file the notice on the docket.


By August 21, 2023, Plaintiff is directed to serve this Order on Defendant by emailing it to any email addresses the Plaintiff has for Defendant, emailing it to Defendant's counsel in the pending Second Circuit appeal, and sending by overnight mail to:

Ruless Pierre
Reg. No. 87408-054
USP Canaan
U.S. Penitentiary
P.O. Box 300
Waymart, Pennsylvania 18472

Plaintiff must then file proof of such service of this Order (as well as of the Rule 56.2 notice) on the docket. Plaintiff also shall work with staff at USP Canaan to arrange for Defendant's telephonic appearance at the August 30, 2023 conference.

SO ORDERED.

Dated: August 21, 2023
New York, New York



JOHN P. CRONAN
United States District Judge